AUTHORITY ABUSED

BY

The VINDICATION

Of the Last Years *Transactions*,

AND

The ABUSES DETECTED:

WITH

INLARGEMENTS upon some Particulars more briefly touched in the Reflections upon the Occurrences of the Last Year.

TOGETHER WITH

Some NOTES upon another Vindication, Entituled, *The Third and Last Part of the Magistracy and Government of* England *Vindicated.*

By the Author of the REFLECTIONS.

Magna est VERITAS, *& Prævalebit.*

LONDON,
Printed in the Year MDCXC.

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TO THE

KING.

SIR,

WHEN I first came in to you to *Sherborn*, I came with as much Appetite, though in an infirm Condition, to engage in the same Cause with you, as I could have done to a good Meal when an hungred. And though you are now setled in the Throne, and the Storms of War which then threatned this Nation, long since blown over: Yet I have reason to believe I may run some Danger in what I now do for the Service of your Majesty and my Country. And though I doubt not of the Protection of Almighty God, and the powerful Supports of Truth, Justice, and a good Conscience; yet because it is my Duty to neglect no honest Means for my Safety and Quiet, having here performed an Act of Great Fidelity to your Majesty, and the Government of my Country, I do claim as my Right

the Protection of both for my self, and my Labours. I have not written one Syllable which I do not believe to be true; nor have I forborn a Word, which I thought pertinent to my Subject, and necessary to your Service. And this being done, not out of Discontent for any Disappointment * *in quest of some Place*, (for I never sought any, though I my self, with Five Sons, are all ready to serve you, if you please to command it) nor to serve any Faction or Party; but sincerely, to preserve one of the Noblest Governments in the World, (as I have long thought it) to serve a Just and Noble Cause, (as I have else where, though briefly, proved) to serve my Country, to serve your Majesty, and, which is above all, to serve Almighty God, is such an Act of Fidelity, as is too rare to be met with in this Nation at this time; And I know you cannot desert me in it, without deserting (more or less) all that I have endeavoured to serve: Nor can any one hurt or molest me (an innocent Man, and endeavouring to do good) without bringing greater hurt upon themselves: (Whereof he who gave occasion of this Writing may be an Example:) And besides, without striking at your Majesty and the Government, to say no more.

* *Unworthily suggested, not without the Check of his own Conscience*, by the Writer of the Vindication. *p.* 30.

For the same intent and purpose, besides what I have said in *the following Sheets in common*, I must crave

crave the Favour of *a few Words to your ſelf* in particular: God by his Providence has brought you to one (as I ſaid) of the Nobleſt Governments in the World: That You and theſe Nations may enjoy the Compleat Benefit of ſo great a Favour, theſe things, I will preſume to ſay, are neceſſary, nay abſolutely neceſſary, on your part. Firſt, That you be very careful to keep up ſuch a firm and quick Senſe of the Providence of God in theſe things, that your Heart be neither ſo lifted up with any high Conceit of your ſelf for what you have already gotten, nor ſo involved in Cares and Endeavours to keep that, or get more, that you forget him, and either take up with the Enjoyment of theſe things, and neglect the further Proſecution of his Service; or deſerting your Confidence in him, decline to vulgar Policies for your own Security or Advantage.

Secondly, That often contemplating the unconceivable Excellence of the Divine Majeſty, which hath given Being to, and governs this vaſt Univerſe, whereof the whole Earth is in compariſon of the reſt but a Point, and raiſing *your Soul* above theſe tranſient things which the Vulgar admire, you look upon the *Acceptance of a Crown* as an *Act of Charity* to poor Mortals, but your *only true Glory* to conſiſt in the Approbation of that excellent Majeſty, and of his Glorious, though to us Mortals Inviſible, Miniſters. Such as is the Applauſe and Admiration

of the Rabble to a great King; such, and no more, is the Applause and Admiration of the greatest of Mortals to a truly Wise Man, without the Approbation of the Celestial Spectators.

Thirdly, That assuring your self that you are *raised up by the Providence of this Glorious Majesty for his Service* in these Nations at least, if not further, you generously prosecute the same with all Fidelity, according to his Will and Pleasure, that is, his Eternal Laws of Righteousness, his Express Instructions and Commands, and the Constitution and just Laws of this Government and Nation, which is the special Ordinance of God for this People, that is, ordered and preserved by his Providence.

Fourthly, That for that purpose you generously and faithfully endeavour to *improve all the Advantages* put into your Hand, and Talents committed to your Trust, for the Honour of his Name, Worship, Laws and Institutions; that is, the Exemplary Authority of your Royal Person, and of your Royal Family, (conniving at no vicious Persons there, though otherwise never so great or necessary) the Dispensations of your Honours and Favours, and the strict Execution of the Laws, which is your proper part in the Government. The doing of this magnanimously, slighting the vulgar Prudentials of Animal Politicians, is that which in the Sacred Scripture is called Faith, and highly recommended. But to

boggle at any of this, will be dangerous to you, and may produce as great Disappointments as those of the last Year, and make your Counsels prove Abortive, and it may be as destructive as King *James*'s did by the like means. You have begun well in your Letter to the Bishops; but the like Care is to be taken that the Laws be strictly executed by the Judges and Civil Magistrates. Nor would this Debase, but Improve your Military Discipline, and make it more prosperous and successful.

Fifthly, That to this end and purpose also you inform your self, as well as may be, concerning *the true Constitution of the English Government*, and your own Part therein, that you neither neglect, nor exceed your Duty, or fall into any of the unhappy Miscarriages of some of your Predecessors, but wisely and religiously contenting your self with what has been conferred upon you, and justly belongs to you, so the others you generously secure to each their own.

Sixthly, That for Information in these matters you rely upon no private or secret Counsellors, but in the Intervals of Parliament, consult the Privy Council and Judges; and the great Council of the Nation, as soon as may be. This it was which reised you to the Throne. It is their Interest to preserve the Honour and Majesty of the Monarchy, and they will certainly do it. And it was nothing but the Craft of ill Men, who kept our late Prince in continual Jea-

lousies,

louſies of Parliaments, to hold up a Faction for their own Advantage.

Seventhly, That if upon good Information you find that this is a *mixt Government*, compoſed of the Three Simple Forms, the Enquiring Part belonging more ſpecially to the Commons, the Judiciary to the Lords, the Conſultary and Legiſlative to the King, Lords and Commons, and the Executive to the King, which I believe is the truth, upon this Conſideration, you look upon the Whole as one great Body, whereof your ſelf is indeed the Head in Honour and Degree, but in effect rather the Hand, or if you will, the Right Hand; but however a Part: And therefore that you always retain a great Reſpect for this Noble Body, treating them with all Honour and Affection, reputing their Honour and Intereſt your own, as Yours is Theirs, and will be ſo treated by them, if a fair Correſpondence be kept up between you; which will make you not only beloved at home, but dreaded abroad.

Eightly, That you be very tender and cautious of invading *their Rights*, or neglecting *their Counſel*, in any matter of Importance; but eſpecially of holding up any *Favourites* againſt them; and to that end that you be very jealous of that Generation, and thoſe particular Perſons, who have been the Authors or Propagators of *Falſe Notions* concerning the Conſtitution of this Government, or of *Evil Counſels*

and

and Courſes among your Predeceſſors; and more eſpecially thoſe, who have already by any *Evil Counſels* or Unfaithfulneſs in not well informing you, betray'd your ſelf into any Inconvenience: Whereof, if you pleaſe to command me, I ſhall be ready to give you ſome plain Inſtances.

Ninthly, That you endeavour wiſely *to compoſe the Diſſentions, and allay the Heats and Animoſities of the Nation*, and to unite all in a mutual Aſſiſtance for the Common Intereſt. *Our Diviſions, and the Heats of our Diſſentions*, are for the moſt part the Reliques of Popiſh Practices, and Effects of Evil Policies of Courtiers. Theſe have both conſpired for different ends to divide us both in Church and State, and to impoſe upon the People; ſo that it is the trueſt Wiſdom and greateſt Intereſt of this Nation to endeavour ſo much the more for an Union; and to that end to detect their Impoſtures. This Government is in truth a Noble Commonwealth in the Root and Body, accommodated with the Advantage, and adorned with the Honour and Majeſty of a Monarchy in the Execution. Crafty Men obſerving this, have practis'd the Diviſion in this manner. Firſt, By putting the Kings upon illegal Projects, till that produced Jealouſies of Arbitrary Deſigns, and then improving thoſe to the raiſing of the like Jealouſies in thoſe unhappy Kings of Republican Conſpiracies. Thus were multitudes impoſed

upon: Whereas the Subversion of the *Commonwealth* to support the *Monarchy*, is no less Folly, Madness and Treachery in an English Man, than is the pulling down the *Monarchy* to support the *Commonwealth*. Nor can any thing endanger our Monarchs but themselves, by adhering to Evil Counsellors, rejecting or declining the Advice of the Great Council of the Nation, and violating their Rights.

Lastly, That to this purpose you avoid all Favour and Encouragement to any Faction; and make no other difference between Persons, but what the Law hath made; except only between the *Virtuous* and the *Vitious*, and between such as may safely be *trusted*, and such as may not, (for which end for Parliament-Men, and persons admitted to great Offices of Trust, and Bishops, a Recognition by Act of Parliament may be necessary;) but by a constant tenor and course of your Actions demonstrate a cordial and universal Affection to All, and a great Zeal and Activity for the Service of God, and for the Peace, Safety and Prosperity of the Nation.

By these Means you will be a compleat King, and rule in the Hearts of the People: These will produce in them such a Trust and Confidence in you, as will make your Government exceeding easie; and such a Government will make your Name Honourable in the Roll of our English Kings: But if you once set up for a Separate Interest, strike in with,

with, and make your ſelf the Head of any Faction, give your ſelf up to the Conduct of particular Favourites, ſuffer the Publick Revenue and the Treaſure of the Nation to be ſquandred away without any Account, and the People to be injured by Exactions and Delays of Officers, and tread in the ſteps of your Predeceſſors of the laſt Race, you will *ipſo facto* ceaſe to do the part of a King, violate the Truſt repoſed in you, and your Coronation Oath; and deceiving the Expectations of all Men, after ſuch a Succeſſion of Kings, raiſe ſuch Prejudice againſt Monarchy it ſelf, as may indanger this Noble Government, and the Settlement of the Nation, and make your Name inglorious to all Poſterity. But theſe are things ſo inconſiſtent with the Reaſons, for which you was invited hither, the Cauſes of your Expedition expreſſed in your own Declaration, the Ends for which the Crown was firſt offered to you, and after ſet upon your Head, the Honour and Safety of your Government, and, which is more than all, the Righteous Laws of God, (who, as we hope, raiſed you up to be an Inſtrument of Mercy, not of Vengeance to This Nation) as no Man, who believes the Character we have received of your great Vertue, can eaſily fear from you, though the notorious Miſcarriages of the late Reigns may have left ſome Impreſſions upon the Minds of ſome, which yet I hope Experience of your Prudence and Juſtice will totally

totally expunge. And I pray God give you (as I hope he will) true Wisdom to know Him, to discern His Hand in these things, and what He expects from you; to know what is your proper Part in this great Affair, and to be more careful to discharge it well, than to enlarge it beyond its just Bounds; and that all true Happiness may always attend your Majesty.

Your Majesties

most Faithful

and

Obedient Subject.

AUTHORITY ABUSED,

BY THE

Vindication of the Last Years *Transactions*,

AND

The ABUSES DETECTED

By the Author of the *Reflections*.

OF a great many *Evil Arts and Practices*, which in the late Reigns were used for the Subversion of the True English Government, and Suppression of the most ancient common Rights of the People of these Nations, one that was most constantly used for that purpose, was the Employment of *Mercenary Writers* to put a colour of Words and Oratory upon those things, for which they had no colour of Law. And it would be a sad case with us, if after so glorious a Deliverance, we should be already so far deserted by the Divine Providence, as to stand in need of any such Practices or Assistance: Yet so it should seem to be, unless the Pamphlet Entituled, *The last Years Transactions Vindicated*, be a bold and impudent Imposture. For it will not be hard to prove, That that Pamphlet is a False, Scandalous and Impious Libel: And to Print it not only as under *the Patronage* of a Chief Secretary of State, but expresly as *Published by Authority*, is either an Act of impudent Imposture, and a Cheat or Abuse; or it may be feared we are again relapsing into the same unhappy Circumstances. But I suppose I shall make it appear, that there is *a double Imposture* in it, that is, That neither had the Writer that Authority for what he did, which was design'd he should be thought to have had; nor was it

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designed sincerely to serve the Publick Authority of the Nation, the Present Government; but to cover the Evil Practices of those Persons, who were the Authors of our Disappointments the last Year, that they may the better do the like again this. And probably, if the business be well examined, he will be found to have been employed by some of them (who are therefore the proper Authors of it) for that end; and not by that Honourable Person, whom they have made so bold with by this Dedication of *what's written* (as he saith) *in Defence of others.*

There are *three Phrases* by which usually the Leave of Authority for the Publication of Books is briefly expressed. The most common is *Licensed*; which signifies a written License under the Hand of some Person authorized to give it. Another is *with Allowance*, which implies a Verbal Leave, but of some Person of great Place and Authority. The third is what the Authors have thought fit to prefix to this Book, *Published by Authority*: And this (as I take it) implies more than a bare leave, *viz.* Something of a Command, and of some great Authority, more than a bare Allowance or License of a Secretary of State. But what that Authority should be, by which this is published, I believe will not be easie to find or discover: Only what it is not will not be difficult to perceive, even from the consideration of the Book it self, and divers Passages in it.

Nothing can be so truly, innocently, honestly and plainly said, but it may be contradicted or opposed by a Man of Wit and Parts, with some colour and appearance of Reason, of which the Oration of *Carneades* against Justice is a sufficient Instance; and by one, who hath no great store of either, with Railing and Foul Language, of which this Pamphlet we are now considering presents us with a pregnant Instance. No less than *Folly, Enthusiasm, Visionar, Enthusiastick Illumination, deluded Notion of Inspiration, Indiscretion, Excentrick Zeal, Quakers Impulse*, are all at one Volly let fly at the Author of the Reflections by this mighty Champion, the Vindicator of

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the King, the Parliament, and the whole State at his first Charge; all in one Paragraph published by Authority, if we will believe him; besides divers single Shots afterwards, as *Silly, precipitant Zeal, hot Politician, Lucid Intervals, Ecstatick Stenton, Revengeful Spirit*, &c.

After such a Charge, it is no wonder to see such a Champion, with no little Ostentation, insult over his vanquished Adversary, and upbraid him with his *confined Sphere, narrow Sphere, short Line, want of Knowledge of Affairs of State, small Skill in Affairs abroad, gross Ignorance in the Affairs of Europe, little Skill in Politicks, none at all in History, unacquaintedness with Philosophy*, and such *gross mistakes in the Motion of natural Bodies*, as to believe a moving Cart may be stayed by Witchcraft.

Such stuff as this is agreeable enough to the quality of a Mercenary Writer, a temporizing Observator, a Mountebank, a Quack, and might have passed with some ordinary Licencers: But as it doth never advantage any Cause, so it is usually a sign of either a very barren Cause, or a very shallow brain, where it is much used without any Proof or Reason: And therefore Men in great Authority, do rarely imploy such Writers, or if they do, do it only by some *Secret Encouragement*, not by any *Publick Authority*.

And if this general consideration be not sufficient to render the Authors suspected of Imposture in that respect, the Writer himself hath supplied us in the very next Page with special matter to help it out, telling us that *the King by a Prodigy of good Nature has laid aside the Resentment such a Pamphlet would have met with in any Reign but His*: And if this be not yet enough, he immediately adds his own Sentence of Self-condemnation: *And where the King forgives, its ill manners to stint the Royal Bounty by ill Treating the Criminal.* For if any one besides this Champion would be guilty of such ill manners, it ought not certainly to be believed that any one near the King, or of any great Authority would by Publickly Authorizing it: Much less that so ill a treatment should be Authorized by

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that Noble Lord to whom they have presumed to Dedicate it. Sure I am he had no great reason to do it, if he *acted* any *great part* in the Transactions, and the Vindication be *written in Defence of others.*

What is here inferred from the *Modesty and Decency of the Terms and Language*, may likewise be inferred from the *Truth and Honesty of the Suggestions, Assertions, and Inferences.* It would be too long to examine all, and besides needless: I will therefore for brevity sake only confront three or four of the Assertions with the words of the Reflections; and leave the Reader to consider how proper and likely such Candor and Ingenuity is to be Published by Authority.

Pag. 9. He chargeth the Author of the Reflections, speaking of the Danish Forces, with *Asserting plainly They will prove a greater Burthen than Advantage to us.* Whereas the words of the Reflections are only thus, *The Season of the year is now far gon, that they are more like to prove a Burden this Winter, than any Advantage to us.* And this is called a Calumny, *Pag.* 13. but with how great reason the Reader may there see.

Again in the same, *Pag.* 13. reciting the words of the Reflections concerning our Losses at Sea, he concludes Speaking of the Author, that He *boldly adds, That our Merchants Ships have been made a prey to those who should have been their Guide and Convoy.* Whereas the Reflections insted of *boldly adding* what he saith, *cautiously premise* a Parenthesis, which this honest and candid Gentleman was so bold as to leave out. viz. *(If the Complaints of our Merchants and their Mariners be true.)*

But never did our Champion behave himself more bravely and like himself than when he comes to talk of *the Abdication.* That one Paragraph of the Reflections makes him lay about him indeed like a Man of mettle, for three Paragraphs together: It seems he was not a little concerned at it; and where the Concern lay is not hard to be perceived. But here I shall only take notice of one instance more for my present purpose, leaving the rest to the Readers observation.

Pag. 21. he tells us: *Our new Politician is downright offended at the Parliament for finding King* James's *Departure an Abdication of the Government, &c.* This certainly is no less than a piece of Jesuitical Modesty, where-ever this Traveller learnt it. The words of the Reflections are down right the contrary: *There was reason enough to declare the departure of King* James *under his circumstances an Abdication of the Government, &c.* And this is not only said, but so cleared and demonstrated there in few lines, as hath given no little Satisfaction to some persons of no mean parts and learning; but no less Disturbance, (it seems) to this Gentleman, as may be farther noted hereafter.

Another Assertion or two I must take notice of, for the *singular Charity* expressed in them. Those, as they are groundless, and cannot be deduced by any good Inference from the Reflections, so may they be confronted with other Writings of the same Authors in print: *This Man* (saith he, speaking of the Author of the Reflections) *would drench the World in Blood, Sacrifice whole Hecatombs to his Revenge, and once more set these Kingdoms off their Hinges by a precipitate Method of rendring Men desperate*, Page 21. Such another is the Suggestion, *page* 22. *Why should King* James's *Ministers and Counsellors*, all of them, *without distinction, fall under the stroak?* And again, *page* 23. *Our Author fondly concludes*, &c. *because he hath not been glutted with the Blood of the Delinquents.* I need note no more of this kind. Those are so foul and infamous Words, that if written and published without very good grounds, do of themselves sufficiently make good one part of my Charge against this Pamphlet. Certain I am, that no such thing was ever intended in the Reflections: And from these Words in the Paragraph under his consideration, *Not one of those, who by their wicked Counsels and Compliances betrayed not only their Country, but their King himself*, &c. *hath yet been brought to condign Punishment*; or from any other in that Book, I do not see how any such matter can be deduced: But if confronted with what the same Author hath written

written in his Apology for Mr. *Stafford*, page 17. and elsewhere, it will all there appear as false, as here it doth groundless.

What hath been already noted, I suppose, is sufficient to make good the Charge of a False and Infamous Libel. The *Piety* of it may be discerned by the Respect therin given to the Sacred Scriptures, where he saith, that the Expressions, *Taught of God*, *Children of Light*, *Sensual not having the Spirit*, and many others of that kind, smell of the late deluded Notion of Inspiration, *page* 2. and by the regard therein expressed to the Providence of God, and to the Study and Consideration of his Works and Dealings with the Sons of Men, *pag.* 26. and by the Reproachful Terms, which, after the mode of the late Atheistical Times, are very confidently bestowed upon sincere Piety, and genuine Religion. But I have no mind to cast Pearles before Swine, by a full Explication of these things; but leaving him, and such *Abderites* to the Correction of some *Hippocrates*, shall content my self with those Evangelical Promises, *Matth.* 5. 11, 12. 1 *Pet.* 4. 14. and rejoyce in them too, while the Mercenary Writer may chance to feel the smart of his own Prophaneness, in selling his Conscience for a Mess of Pottage.

And now to return to our Enquiry, *What Authority it should be, which hath ordered the Publication of such a Libel?* Of the King we are secure, that it was not he, by what hath been recited before; and of the Parliament, were we not otherwise secure, this Writer hath given us the like assurance, telling us, *He knows not but he may be blameable in playing the Advocate, or in daring to suppose, that the great Council of the Nation needs a Vindication*, page 16. And the same we may conclude, for the same Reason, of that Noble Lord, whose Patronage he thinks but reason he (should) allow to *what's written in defence of others*. It remains then, that either he had none at all, and then he is an Impostor upon that account; or that it was from some of those *others*, in whose Defence it was written, and then is he no less an Impostor

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in concealing whose it was, and giving occasion by this Dedication to make that Noble Person be believed, by inobservant Readers, to be the Man. And this we have reason to believe is the Truth, if the Scope and divers Passages of this Vindication be well considered.

It is true, he pretends much Zeal and Concern for the Vindication of the King, and of the Parliament; but that is no more than every Knave and Cheat will do to those he intends to abuse; the *Officious Kisses of an Enemy*; and therefore whether sincere, or feigned, is to be determined by the concurrence of other Indications. And

1. It appears by his own shewing, that he is a very officious Advocate, and was never retained or imployed by either of them.

2. Nor was there much cause of Vindication in respect of either of them; for most of the Transactions noted, were reflected on as matters of Disappointments and Unhappiness, rather than Faults in them.

3. And these Disappointments being imputed not only by the Author of the Reflections, but by the Parliament it self, to the unfaithfulness and Treachery of Persons intrusted and imployed, the Vindication of such Transactions could not be sincerely intended to serve the King, or gratifie the Parliament, but to cover those Evil Practices and Persons, which not only the Author of the Reflections, but the Parliament also, desired and endeavoured to discover.

And that this was really the *Design* of this Mercenary Pamphlet, whoever had their Hands in it, and all the Compliments to the King, the Parliament, and the Earl of *Shrewsbury* Principal Secretary of State, a meer Disguise to cover that Design, and an Abuse upon that Noble Person at least, there are divers Observables in it perswade me to believe.

1. The very Beginning discovers his Mind, and what he was full of. It is a *Severe Censure against prying too narrowly into the Secrets of Government and Mysteries of State*. But if the Reflections be well considered, there is no other occasion for

for it but Honest Endeavours for such a Discovery, as is before mentioned, that is, of what his business was to cover.

2. He there also discovers, or to use his own term, bewrays himself to be a genuine Disciple of the Mercenary Writers of the late Reigns, by *magnifying the Policy of a Foreign State*, as if our Laws were defective; only he shews himself but a Novice in the Trade, in that he takes his Precedent from *Venice*, and not from *France* or *Turky*. Of his sense of the English Constitution I shall take notice hereafter.

3. And he presently after discovers his Affection *to the English Nation*, which he more than once, without any just occasion that appears, terms *an ungrateful Nation*.

4. He bewrays himself indeed, and discovers his rotten and *unsound Notions and Sentiments concerning our present Settlement*, and the Right of King *William* and Queen *Mary* to the Government of these Kingdoms: And that he himself is either one of that Mungrel Temporizing Party, which hath obstructed our compleat Settlement and underhand retarded the Reduction of *Ireland*, or at least doth prostitute his Mercenary Pen to gratify that Party.

For he plainly unhinges King *William's Title*, and sets it upon a false bottom, while he makes King *James's Abdication* to consist only, in his Departure. This is it which he finds fault with in the Reflections, that they do not admit the Departure of King *James* to be an Abdication, without any regard to his precedent Actions. And that this is his meaning doth further appear by his quarrelling the Author for interpreting the Departure to be *rather the flight of a Criminal from Justice, than of an innocent Man*; *Metus causa & cum animo revertendi*. And this being so, it cannot proceed but either from a dishonest Mind, and an ill design to undermine the Justice of the present King's Title, or from Ignorance: For no good Author ever yet called the Flight of an Innocent Man *Metus causa*, an Abdication. And because his pretended great learning and Reading of History will not permit

mit us to believe the latter, he can blame no body but himſelf, if we impute it to the former; And the Truth is, I ſee not how he can avoid that imputation: For if he really thinks what is there ſaid, to be *a ſevere inſinuation againſt the late King*, and that *no Kings are to be brought to Juſtice*, he is a temporizing Perſon, to comply and flatter a Government erected upon no better ground than a pretended Abdication: But if he really believes the grounds upon which the Convocation declared that Departure an Abdication (which were that Kings precedent Actions) to be good, then is he baſely *Mercenary*, to diſſemble his own Opinion in compliance with ſome of that mungrel Party, who are ſtill for a *Regency*. And this Government can never be ſafe while ſuch Perſons are permitted to have acceſs to any Office of Secretary of State.

My Principles I had publiſhed in Print long ſince in the *Important Queſtions*, and again lately, but before his Pamphlet came to the Preſs, in an Apology for Mr. *Stafford*, and therefore had no Maſque of my own for him to remove: But I hope I have by this time taken off one from him, and ſhall preſently take off another; for I doubt not, but this Leaf and the firſt Leaf of the next Sheet contain the Characters of thoſe Perſons, in whoſe Defence, this Maſque call'd a Vindication, was Written, and by whoſe Authority it was Publiſhed. It was not the King, nor the Parliament, nor the Principal Secretary of State, for whom this Service was deſigned: It was *Written in the Defence of others*; and who thoſe *others* were, we may here perceive plainly enough. They are of Three ſorts;

1. The *Regency-men*, thoſe who were principally deſigned to be gratified in the Paragraph laſt mentioned, and indeed in the whole undertaking.

2. *King* James's *Counſellors, Agents, and Accomplices*, to be exempt from condign Puniſhment.

3. One or Two *in King* Charles's *Reign, wrought upon through the Temptations and Snares of a Court*; and ſome

Persons, *who in either of the Two last Reigns, had stumbled upon unwarrantable Measures*; and these are to be received into Favour.

There is one sort more they should also have put in, had it not been too gross a matter to have been mentioned at this time, and that is *the French Kings Pensioners*; who, there is reason to believe, had not left off their old trade in the Transactions of the last Year; but there are none of them but may be comprehended among some of these here specified. And as these plainly were designed to be served by this Pamphlet, so I doubt not but some of these set the Work on foot, and were the contrivers of its Dedication to the chief Secretary of State, and are therefore properly the chief Authors of it. *Qui facit per alium, est perinde ac si faciat per seipsum c. qui facit de reg. jur. 6.* As for *the Person imployed to write it*, it seemed very apparent to me in the perusal, to be in divers passages a mere personated business, and to be written *invita Minerva*, and which is worse, *reluctante Conscientia*; which when I observed, it moved so much pity in me, that I presently struck out such passages as would too plainly have discovered him, and I thought too severe for a man in such a case; and I heartily pray God give him Repentance, and forgive him. But for *those who imployed him* (for that he wrote it not of himself, but was put upon it by some others, is but a natural consequence of what I have said) we may plainly discover something of their Character, by this Vindication.

First, It is plain that they are *men of Craft and Tricks*; for this is plainly a trick put upon the Chief Secretary of State, to make the World believe that he was concerned; and if they were so bold with him, the King himself may have reason to look about him, lest he be trick'd by them.

Secondly, They must be such as had some considerable *concern in the pretended Vindication*, and acted a great and notable (not noble) part in the Transactions, that is, immediately

mediately or mediately in our Diſappointments; a much different part from what was acted by the Noble Perſon whom they craftily apply to, as one concerned by participation in the ſame actions with themſelves; and undoubtedly will be apt to play the like tricks with the King himſelf if they can, by putting him upon ſuch actions as may juſtifie themſelves at leaſt, and ſo engage him to ſtand by them in their illegal practices, an Artifice, by which the laſt race of our Kings have been often abuſed, and not yet forgotten.

Thirdly, What I have before obſerved of the Writer, muſt be true alſo of the principal Authors; nay more certainly true of them, whom he deſigned to pleaſe: For whatever was his own Opinion, it was accomodated to the Sentiments of them who imploy'd him, and therefore they muſt *be men of no good Opinion of this Government*, nor cordial Friends to the preſent King and Queen; ſo that this and my laſt obſervation do mutually confirm each other.

Fourthly, Nor are they men of very ſound *notions concerning the true Engliſh Conſtitution and Government*, as may be collected from their ſlighting expreſſions, uſed upon what in the Reflections is obſerved concerning the Privy Council and ſecret Cabals, calling it *the Authors Eutopean Model*, and from ſome expreſſions let fall concerning the Calling and Diſſolving of Parliaments, of which more hereafter.

Thus much of their Character may be eaſily and plainly perceived by this Maſque, which they call a Vindication; But becauſe it is a matter of no ſmall importance to the preſent King and Queen, and to the Peace and Happineſs of theſe Nations, for our quiet Enjoyment of the admirable Mercy which Almighty God hath ſo graciouſly conferred upon us, and for our better improvement of the Advantage he hath put into our hands, that theſe Perſons, who by their Craft and evil Deſigns, have occaſioned our former diſappointments, may be more fully detected, to prevent greater miſchief for the future; I ſhall endeavour to explain ſome of thoſe *Myſterious practices*, which are *uſed at this day*, from

their very Original, in the days of King *James* the First; and then return to what is neceſſary to be further obſerved upon this Vindication.

When that King after that horrid Plot of the Gunpowder Treaſon, being more terrified with the Danger he had eſcaped, than animated by ſo great a Deliverance, to dependance upon the Providence of God who preſerved him, which that Deliverance in a ſpecial manner obliged him to; deſerting that great Duty, and relying upon his own craft, ſought to ſecure himſelf and his own Poſterity, by Compliance and Alliances with his Enemies, *the Papiſts*, like thoſe who have recourſe to Witches and Conjurers; inſtead of that Security he expected, he involved himſelf and his Poſterity in ſuch Snares, as were the real cauſe of all thoſe Evils which afterward befel them, and out of which they could never after extricate themſelves. During the long and happy Reign of Queen *Elizabeth*, who generouſly performing that great Duty, kept them at a diſtance; all they could do was only to contrive ſecret Plots againſt her Perſon, and Foreign Invaſions, and to ſow Seeds of Diviſion in ſecret Meetings, all which that Providence of God, in which ſhe confided, diſſipated and turned to their own Confuſion. But when afterward they were favoured and admitted to a nearer Converſe with our Princes, Stateſmen and Biſhops, they preſently found their Advantage to put in practice *other Policies of a more deep, ſubtile, and dangerous Nature*, and under the cover of very plauſible Pretences, whereby they and their Venome might inſinuate the deeper. Theſe were principally Three; 1. To change the Government, and make it Arbitrary and Abſolute in the Prince. 2. To raiſe and heighten Diviſions. 3. To corrupt the Manners of the Nation.

1. To endeavour a *Change of the Government*, they ſaw ſeveral Reaſons. 1. They plainly ſaw it to be utterly unpracticable to deal with the other two Eſtates, to introduce their Religion. 2. They alſo underſtood very well that ſuch endea-

endeavours might be ſo managed as to ingratiate them with the Prince, and many of the Courtiers, Miniſters of State, and of the aſpiring Clergy. 3. They alſo foreſaw, that by ſlighly inſinuating into the Prince, and his Favourites and Flatterers, ſuch matters as tended to this; they ſhould alſo by the ſame means promote their other deſign of raiſing Diviſions between the Prince and the People.

2. To raiſe and heighten *Diviſions*, they eaſily ſaw would not only weaken and diſſolve the ſtrength of the Nation, but would alſo give them a fair opportunity to ſhelter themſelves under one Party or other, as they ſhould ſee occaſion. Theſe Advantages they might expect by Civil Diſſentions; and theſe and ſome more by Diviſions alſo about matters of Religion, and therefore they induſtriouſly promoted both.

3. And to *corrupt the manners of the Nation*, they might expect would give them theſe Advantages, 1. It would weaken the ſtrength of the Nation, making men more inconſiderate and careleſs of any Publick Concern, and indiſpoſing them for either Prudent Counſel or Generous Action. 2. It would make them more indifferent in matters of Religion, and leſs apt to give them any diſturbance in the proſecution of their Deſigns. 3. And this indifference would diſpoſe them to the more eaſie admiſſion of theirs when it ſhould be ſeaſonably and prudently propoſed to them under ſome plauſible pretences.

Theſe were the Principal of their *Policies*, and the *Grounds* of them; which were rational enough, though it pleaſed God, who hath the Hearts of all Men at his diſpoſal, by his over-ruling Providence, in his own time, to defeat them all. But the *Contrivances, Methods, and particular Practices*, which they uſed for the promotion of theſe Policies and Deſigns, were too many to be here diſcovered; nor is that my buſineſs at this time. I ſhall therefore only take notice of ſuch as are pertinent to the preſent occaſion, that is, *ſuch as aſpiring Courtiers and Clergymen joyned with them in*, though for different ends of their own, and ſuch as we have ſtill reaſon to beware of: Such as theſe; 1. *Mag-*

1. *Magnifying the Regal Power* upon false Principles, beyond its true bounds, according to the English Constitution, and *Villifying our Laws* in general, as rude and barbarous; and the Fundamentals of our Constitution, which limit and restrain the Excesses of Regal Power, as encroachments of the People upon Prerogative, and so possessing the King and many honest welmeaning People, not sufficiently acquainted with the Excellence of our Laws and Constitutions, with *False, Dangerous, and Pernicious Notions concerning our Government.* And having by this means prepared the way, and insinuated themselves into Favour, they never failed of some *Project* for their own ends, though never so illegal, to put the King upon encouraging him to despise the just complaints of the People, as clamours, and that which was below his Majesty to be aw'd by. And because this could not but move all truly Loyal, honest and understanding Men, who saw the dangerous Consequences to the King, as well as to the People, of such Courses; it was very natural and easie to them to represent all such as Persons of Antimonarchical and Republican Principles. And always by how much the more notorious and illegal were their Practices, by so much the greater and lowder were the clamours against the Commonwealth Principles, and the noise of the Dangers threatning the Monarchy. And by this means were our Kings kept in continual Jealousie and ill Opinion of many of their best, most honest, Loyal and most faithful Subjects.

But they could never have proceeded so far in these things had they not by inculcating false Notions concerning one branch of the Regal Office, *the Calling, Proroguing, and Dissolving of Parliaments*, and suggesting false Fears and Dangers of the consequence of their Sitting, often prevailed with those Kings to abuse the Trust, in that respect reposed in them, contrary to the Constitution of this Government, to the most ancient Laws of this Nation, to the true intent and meaning of the Statutes, then and still in Force, and to their own true interest and safety, as I shall shew hereafter.

By

By these means were our *Civil Dissentions* begun, and by degrees continually heightened, till by these Practices, and the like, in matters of Religion, in the Year *Forty one*, they involved the King in a *Civil War* to make good those illegal Practices, which they before had engaged him in, and by consequence in an ill Cause, against as good a Parliament, as perhaps this Nation ever had. This will seem strange to some to come from me, who was from my Youth on the Kings side, and at Fifteen Years of Age ventured my life for his Service. But I know what I say, and will presently make it clear. The King might have trusted that Parliament, they would never have hurt him, or diminished any thing of his true Prerogative, but have secured him and it against the Abuses put upon him and the whole Nation, by evil Men, under pretence of it, if he durst but have trusted them. This is very plain from the Prevalence of that part of the Parliament, which, although the King had withdrawn another part to *Oxford*, which would certainly have joyned with them, were yet able to carry the Vote, *That the Kings Concessions were Satisfactory*: Nor were that part, which afterward brought the King to his Tryal, able to have carried any thing against him, had they not first by Force, which had never been raised, had not the King been carried away by his criminal Favorites, secluded most of the Principal men of the other part. But though the King might have trusted them; yet were there those about him, who conscious of their own guilt, having been the evil Counsellors and Promoters of those illegal Practices, which occasioned the War, durst not stand the Tryal; and therefore, having first betrayed him into those mischiefs before mentioned, betrayed him now a second time, by withdrawing him for their own security from the Parliament, and with him divers Members of both Houses, who would have been more serviceable there both to him and to the Kingdom, and so at length involved him in that fatal Civil War, for their own defence, which brought him to that unhappy end. These were *the*

true

true Authors of that War; and these are the *Forty one Men*, who deserve to be remembred with no less detestation by all Posterity, than those of Forty eight, who only finished what the others had begun. This I have related the more largely, because I see the same wicked Practices carried on by the Ringleaders of those, who have *Forty one* much in their Mouths; and they who are not satisfied with my Reason, may see it, if they please, confirmed by Authority of King and Parliament, in the Preamble of the *Act of Attainder*, 12. *Car.* 2. *c.* 30.

2. The Methods for raising and heightning the *Differences in the Church*, were first by improving the Prejudices which King *James* had conceived against some Zealots in *Scotland*, into like prejudice, first against the Puritans in *England*, then against all truly Religious and Conscientious People, as Puritans and Precisians; and at last against all who discovered any great warmth against Popery. By this means Formality and Indifference in Religion was brought into fashion and encouraged, and sincere Religion and Devotion slighted and discountenanced: And for this purpose was *the Book of Sports* upon the Lords day set out, and ordered to be Read in Churches, and many good men put out of their Livings for refusing to Read it. And when by these means, Formality and Popery being favoured, and sincere Religion not only slighted, but oppressed contrary to Law, discontents could not but rise; these were again made use of to represent the best part of the Nation as ill affected to Monarchy and the Church, because they began to be sensible of the approaches of Tyranny and Popery, and of the over-spreading of Formality. And this is *the true Original of the great outcries, The Monarchy*, and *The Church* being in danger, (as indeed they were, but the one of degenerating into Tyranny, and the other into mear Formality, if not Popery) whereby multitudes were imposed upon to put their helping hands to overturn both one way, while they were craftily made believe, that others were doing it the other; for these had their influence in producing the late Civil War in conjunction with those before mentioned.

ing. By the same means was the foundation laid for the *Corruption of the Manners* of the Nation. But by what Means and Methods that was promoted before the Kings Restauration, and afterward raised to that height in his Reign, is not much to my present purpose, though we feel the ill effects thereof, and are still like to do so, if they be not reformed.

The Dismal *Consequences of these things* to the King, to the Church, and to the whole Nation, his Experience at length taught him or careless and indolent Scholars, who disregarded the milder and safer Admonition of Prudent Wisdom: And though the Effects and Consequences were such, as one would think should not easily or quickly be forgotten; yet because the Practices and Causes are so little understood or considered by a great part of the Nation, that they seem disposed to be as much imposed upon again, and run into the like Confusions; to this brief and plain Narrative I will add some few *Observations* to stop the Current, and give some warning against the Danger.

And First, To such as have any Sense of Religion, and Acquaintance with the Works and Methods of the Divine Providence, it will not be hard to perceive, That *the Original of all these Evils*, in which King *James* involved himself and his Family, was his *Deserting of that great Duty* of Trust and Confidence in, and firm Dependance upon that Providence, which had with so much ease and safety brought him to the Throne of these Kingdoms beyond his expectation, and given him so great an Experiment of its Protection, by so amazing a Deliverance from so great and imminent a Danger; and applying himself to vain worldly Wisdom, in seeking Security by Compliance and Alliances with Enemies; those very Enemies, from whose subtile Machinations he had been so admirably delivered; and prostituting his Religion to those Politicks, which was somewhat of Kin to the Sin of *Jeroboam*, which stuck so close to his House.

Secondly, *The immediate Evil*, which he and his Family thereby incurred, was *a most just and suitable Punishment, viz.* To be deserted by that Providence, which he first deserted, and be given up *Rehoboam*-like to the evil and pernicious Counsels of those flattering and deceitful Favourites, whom they chose and adhered to. This was one and a special part of the Fate of the Family, out of which they never extricated themselves, though they had divers fair Opportunities, and very cogent Motives offered to them, to have done it.

Thirdly, That which exposed him and them the more to this Fate, and intangled them the deeper therein, was an insatiable *Desire and Affectation of an absolute Dominion*, which was not so much satisfied, as inlarged by the Accession of those two Crowns of *England* and *Ireland* to his former one of *Scotland*; and a certain *Degeneracy of mind*, the usual effect of unjustifiable Actions, or insincere Designs, which made them neglect the Legal Privy Council, and avoid the Presence of Parliaments, as People in a Fault do the sight of their best Friends, till some necessity constrain them. And this gave Opportunity and Encouragement to those Evil Counsellors to entangle them more and more in illegal Projects and Practices; which made them so much the more afraid of Parliaments, to whom it belongs to enquire and consider of such matters, and adhere the faster to those Favourites, till they became so united to them, that they thought themselves struck at in whatever was done or proposed against them.

Fourthly, This made them easie to be perswaded to believe that it was their Prerogative to *Call, and Prorogue, and Dissolve Parliaments at their own Pleasure*; and accordingly to do it, in effect at the pleasure, that is, at the perswasion of those Favourites: Whereas not only the Notion is false, and set up only for the Advantage of Favourites and Criminals; but the Practice was doubly mischievous to the Kings themselves. For 1. It was a great cause of Discontent, heightned the Differences between the King and the People,

and

and made the Kings Cauſe ſo much the worſe in thoſe Differences, and unjuſtifiable, being often times a wilful and obſtinate *refuſal of Juſtice*, and *Protection of Criminals* againſt the whole Nation. 2. It deprived the King, as well as the People, of the proper Remedy of thoſe Miſchiefs. For Parliaments are the great Security under God of Kings from Abuſes, as well as of the People from Oppreſſion; and the Perſons were either Guilty, or Not Guilty: If Guilty, they ought to be try'd, and either ſuffer according to their Crimes; or, if there were any ſpecial reaſon for it, be pardon'd. If not Guilty, yet ought they to be try'd, that their Innocence might be cleared, and the Nation ſatisfy'd.

Fifthly, The ſame may be obſerv'd concerning the great *Noiſe* that was made of *the Monarchy*, and *the Church*, as if both were deſign'd to be preſently deſtroyed; which were nothing but falſe Clamours to inceniſe People, and raiſe a Faction, by the Inſtigation of thoſe evil Men for their own ſupport and defence againſt Juſtice. The juſt Puniſhment of Criminals, who betrayed both King and People, was the Deſtruction of Monarchy, and Reformation of the manners of the Clergy, the Subverſion of the Church, in their account. But by theſe means were a great many honeſt well-meaning People impos'd upon, and a mighty Faction rais'd. Whereas it is certain, that the *Engliſh Monarchy*, being not meerly an Honorary matter, but of great Uſe and Advantage to the whole Nation both at home and abroad, if it be not abuſed, the People and their Repreſentatives in Parliament, have always ſo well underſtood their Intereſt therein, and do ſo at this day; that nothing but ſome extraordinary matter ever could, or can alienate their Affections from it. This is plain in the caſe of King *Charles* I. when notwithſtanding the great Provocations which are ſet out in the *Remonſtrance of the State of the Kingdom*, 15 *Dec.* 1642. and ſome others, that Parliament would neither have deſtroyed the Monarchy, nor hurt the King, (though out of thoſe Confuſions a violent Party was rais'd, which did both) nor would

the Nation after be quiet till his Son was restored. And for *the Church*, the Bishops and Ecclesiastical Courts, might have been quiet, had they been truly Christian, as they would be called. But that, which moved the Indignation of most understanding and honest Men against them, was to see Christianity prophan'd, and Offices of Religion sought and used as Secular Employments; to see Formality encouraged, sincere Piety (though perhaps mixt with some unnecessary Scrupulosity) oppressed, and the Ministers of the Righteous Kingdom of Christ turn Promoters of Arbitrariness and Tyranny. And it is no wonder if such Causes produce such Effects.

Sixthly, It was *the rising and heightning of that Faction* by the Favourites and Criminal Party, that *brought things to that Extremity of a War*, which otherwise might have been composed, and all satisfy'd with the Removal of a few Evil Men from about the King, the Punishment of a few Criminals, and the Reformation of a few necessary things. But while these Evil Counsellors and Favourites raised that Faction, for the security of themselves under the pretence of the King and the Church, they thereby laid the Foundation of the real Destruction of both for some time. And I wish all honest Men may take warning by it now, and not suffer themselves to be impos'd upon again after such an Example. For there is *Just such another Faction*, which hath gone very high of late, especially in the busthes of Elections under the same Pretences of *the Monarchy*, and *the Church*, wherein the greatest Sticklers were those sort of Persons, which the Vindicators of the last years Transactions recommend to Favour, that is, the Criminals of the two last Reigns, the Counsellors, Agents and Accomplices of King *James*, and the Regency-men and *Hesitators*, who refuse to act under King *William*, with whom the Papists joyned under-hand. And their greatest Opposition was for the most part against such as were most Cordial and Active for the present King and Queen.

I have but one thing more to obſerve, which comes now into my mind, and hath not been ſo well conſidered as it ought; and that is the great and miſchievous Influence, which ſuch *prodigal and unadviſed conferring of Honours*, as was begun by King *James* I. and has been continued ſince, is apt to have in the producing of ſuch Troubles. *Honor and Riches* are things, which may be of good uſe for the Benefit of others, when they fall to the ſhare of Good Men, who have Hearts to make uſe of them for that purpoſe. But I very much doubt, whether ever any Man was the better for them? On the contrary it is apparent, that many, nay moſt, are the worſe for them, if they be raiſed much above their own Rank. And it is certain that they are no good Men, who are very greedy of either; but ſuch as will comply with the Means, whereby they are to be obtained, be they what they will. If the Prince, who hath the diſpoſing of Honors and Preferments, be wiſe and vertuous, be ſparing and prudent, in conferring them only upon conſideration of Worth and Merit; it will be an effectual means to incline the People to apply themſelves to ſuch means, which will be of great advantage to the Commonwealth. But if he be prodigal and inconſiderate in the diſpoſing of them, he will not fail to attract to him many ill Men of no vertue, who will certainly flatter and deceive him; make it their buſineſs to pleaſe him for their own advantage, at any rate, rather than faithfully ſerve him. And the more Honours he confers upon ſuch, the greater Burden he thereby brings upon himſelf: He muſt provide for his own Creatures; and if he hath not good and lawful means to provide for them, they will not fail of Projects even of indirect means by him to provide for themſelves. Beſides, the Appetite is unſatiable: The Man's no more ſatisfy'd when made a Lord, than when but a Knight; I'm ſure not more happy; nor when made an Earl, than when but a Baron; nor when made a Marques, than when but an Earl; but a Baron, but a Knight, but a private Gentleman. But he needs more; his Needs are increaſed,

creaſed, and muſt be ſupplied one way or other. And from this Root did ſpring many of thoſe Illegal Projects in the Reigns of King *James* I. and King *Charles* I. which in the end produced thoſe bitter Fruits we have been ſpeaking of.

And now to return to our merciful Vindicator. He makes me think of the vulgar Obſervation of *March*, that it comes in like a Lion, and goes out like a Lamb; and he ſhews himſelf a right *March Bird*. Our Laws were not ſevere enough with him at the beginning to puniſh the Author of the Reflections, whom yet he dares not charge with any *want of kindneſs to his Majeſty*, *v. p.* 2. But he muſt fetch a Precedent as far as *Venice*, to ſhew the heinouſneſs of his Crimes in prying into Secrets of State, to be no leſs than what is puniſhable with Death. But when he comes to King *James*'s Counſellors, *&c.* how is the Lion changed into the Lamb! But alas! it is only to thoſe good People. So kind to them, that one would think that this Vindicator had had ſome hand in the Letter and Bill of Pardon for King *James*, which was found in the Speakers Chair. But to the Author of the Reflections he preſently turns Lion again, at leaſt puts on the Lions Skin. If he but complain for the juſt and neceſſary Aſſertion of our preſent Settlement, that not one of King *James's* Inſtruments has been brought to condign Puniſhment; how does this Lion roar and ſtorm at this as a *Revengeful Spirit*, that *would drench the World in Blood!* &c.

But the truth is, it ſeems but a Copy of his Countenance, a meer perſonated Fury to pleaſe ſome body. But what their Sentiments are, who were to be pleaſed with this, is not hard to be underſtood. They were, it ſeems, not only for Pardon, but for Preferment too, for thoſe honeſt Gentlemen, as ſuch as *do deſerve the return of our Gratitude.* Sure this Writer had a mind to try his Skill in Oratory, and after the Example of *Carneades*, try what he could add to his Oration againſt Juſtice. And I ſhould have thought that *Carneades* had got a new Set of Scholars amongſt us, ſince the late

late Revolution. For ſince I wrote the laſt Period, I met with another *Vindication* ſo like this, that I dare preſume the Authors of both are pretty near of Kin. Only I find this vaſt difference between him and them: What he did innocently only for a Tryal of Skill, to ſhew his Wit and Oratory, and what an ingenious Man might be able to ſay on an ill Subject; theſe Men do in good earneſt, that is, ſtrain all their Faculties to the utmoſt in a real oppoſition of Juſtice. Nay, thoſe who not long ſince ſtrain'd all their Wit and Parts, and the Law it ſelf, to take away Mens Lives under pretence of Juſtice, contrary to Law, now ſtrain all to exempt the moſt notorious Criminals, deſerving the greateſt Severity from condign Puniſhment, by an *Indefinite Act of Oblivion*, and *Univerſal Indempnity*, wherein I muſt confeſs they act very uniformly, before in ſuppreſſing, and now in oppoſing of Law and Juſtice, and always for their own Intereſt.

So it muſt be; or, if we ſuppoſe them to believe that there is any ſuch thing as Juſtice at all, it muſt be granted that they have different Sentiments concerning the Crimes than we imagine, or however, than we have. And this is plainly the Truth. The one, in effect, will admit no Crime in King *James* precedent to his Departure. And the other will admit none in his Miniſters, Officers or Inſtruments. That, which we take to be *Juſtice* in that caſe, he calls *Vengeance* and *Revenge*, and thoſe who are for it, *Blood-hounds*, *Bellowers for Vengeance*, *Hot-headed Animals*, &c. What we take to be great and notorious *Crimes*, he reputes *Points Juſtifiable, or at leaſt doubtful, wherein the Juſtice of inflicting Puniſhments can never be vindicated*; and begs *the Readers Pardon for the Impropriety* of calling them *Puniſhments*, though he *will not name their proper Term*. And a little after, *Actions done in the laſt or former Reigns, about which the World hath been ſo much divided, if Lawful or not.* And if this be not ſufficient to declare his Sentiments, concerning his propoſed Indefinite Act of Oblivion and univerſal Indemnity

demnity, he tells us plainly, *Lastly, Its consistent with, and promotive of the Truest and Highest Justice,* (that is, for King *James*) *For in most of the Cases* (the thirteen Heads he had mentioned before, *viz.* The Heads Voted 23 *Jan.* to be Crimes for which some Persons may justly be excepted out of the Bill of Indemnity) *the Law is doubtful. And to punish Opinion in matters of Law, is as unjust as to prosecute Mistakes in matters of Religion is unchristian.* So that here we have a Vindication, not indeed *of the last Years Transactions*, but what is more, of the Transactions of the last or former Reigns. And if this be good, my Opinion, which according to this Lawyers Judgment is not punishable, being in matter of Law, is, That King *William* hath no good Title, but he's a meer Usurper, and we have catch'd at an advantage against an Innocent Man upon a timerous Flight or Departure, to keep him from his Right. My Opinion in this matter I have publish'd in Print more than once, and therefore will not repeat it here. But this is so evident a Consequence of what he saith, that it is his Opinion, that I know not with what Colour or Pretence he could deny it if he would. Other Consequences of his Discourse I take no notice of, because not pertinent to my present purpose. But I think I may reasonably recommend it to the consideration of the Dissenters, as that which may in some things afford as proper Topicks for them, as for any sort of People of this Nation, that I know; and may be alledged with much more reason for them, than for his Party of Criminals. *Veritas prævalebit one time or other.*

By what hath been said I suppose it is very evident, that the Authors of *The last Years Transactions Vindicated*, and of the three Parts of *The Magistracy and Government of* England *Vindicated*, are near of Kin, at least in their Principles, and Sentiments of the present Government under King *William* and Queen *Mary*, and of their Right and Title thereunto, and in the General Scope of these Writings, as near as in their Titles. And therefore this last coming so opportunely

to my hand, it doth not only confirm my Opinion of the former, but gives me a fair occasion to consider the matter of both, so far as concerns my Subject, with one and the same Labour. And therefore before I proceed to speak of the Punishment of the Criminals in our Case, this Gentleman being a Lawyer, gives me occasion to consider of the Law by which they may be punished: For if there be no Law for it, he is in the right, That they are not properly Punishments, but *Violence, where the Justice of the thing is not clear and undoubted.* And so much by the way. I hope he will give me leave to say of the Executions of *Stephen Colledge*, my Lord *Russel*, Colonel *Sidney*, Sir *Thomas Armstrong*, &c. that they were *Violences*, that is, in plain English, most deliberate, wilful and wicked Murders, being committed under Colour and Pretence of Law; of most of which Judgment hath been reversed by Authority of Parliament; and that I think it differs not much in the sight of God, whether a Man have his Hand or his Tongue dip'd therein. And I doubt not but the great and good Sir *Matthew Hale* would have been of the same Opinion, which this Gentleman, who gives him those deserved Characters, will find some Reason to believe, if he please to peruse but *The Account of the Good Steward, concerning the Gift of Elocution.*

But to the business. The Votes of 22 *Jac.* have enumerated thirteen Heads of Crimes, for every one of which some Persons may be excepted out of the Bill of Indemnity. Against all Punishments of these our Lawyer takes Exception, as *Punishments never declared or promulged*, and *which by the Standing Laws and Common Justice of the Realm could not be inflicted.* That is to say, They are neither Treason, Felony, nor Misdemeanours: For, for all those there are Punishments declared, and to be inflicted by the standing Laws and Common Justice of the Realm. I must add, Nor Crimes punishable by any Statute. And this is the least that these Words can imply. So that we must suppose that they are nothing like any of those we meet with in the Impeachments, In-

diſments, Articles, &c. againſt thoſe Flatterers, and evil Counſellors and Inſtruments of Princes, which my Lord *Coke* mentions in his Chapter of Flattery, or any others to be found in our Records, Books of Entries, Reports, or Statutes, not ſo much as thoſe concerning the High Commiſſion Court, 17 *Car.* I. But the contrary of all this is ſo well known to all who have looked into the Records and Books aforeſaid, that it is as needleſs as improper for this Paper to offer to recite them. But in ſtead of that, I will ſhew him that which is more, that is, That the Parliament may declare thoſe things to be Treaſon, (the puniſhment whereof is ſufficiently known) which never were, nor can now by the Ordinary Judges (though in the late Reigns they are believ'd to have exceeded their Bounds) be judged ſuch; and that by the expreſs Words of the Statute 25 E. 3. And becauſe that many other like Caſes of Treaſon may happen in time to come, which a man cannot think or declare at this preſent time, it is accorded, That if any other Caſe ſuppoſed Treaſon, which is not above ſpecified, doth happen before any Juſtices, the Juſtices ſhall tarry without any going to Judgment of the Treaſon, till the Cauſe be ſhewed, and declared before the King and his Parliament, whether it ought to be adjudged Treaſon or other Felony. Beſides, for ſuch Crimes as are of their own Nature great Crimes, and not meerly by ſome poſitive Law of the State, there is neither Law nor Reaſon why the Legiſlative Authority in any State ſhould not order and inflict ſuch Puniſhments as they deſerve. And among thoſe may doubtleſs be reckoned all ſuch as have a direct tendency to the Subverſion of the Laws and Government of any State But Treaſon againſt the Kingdom, as well as againſt the King, may be found in our Books of Law and Hiſtory.

And now I know not what moſt to admire in this Gentleman, his profound Skill in the Law, the Modeſty of his Aſſertions, or his Honeſty and Conſcience. I cannot but think him a very proper Perſon to have been one of the *Servants of former Crowns*, one of the laſt Kings *Miniſters, Officers or Inſtruments*

ments of Justice. He was certainly well qualify'd for it, and his Zeal for their Vindication discovers that he had some concern of his own in it. And so confident a Gentleman, and so qualify'd, one would think should get in somewhere now; at least into the Parliament, and no doubt but set up by the Faction, and a great stickler there; one of those, who are recommended by our Vindicators not only for Pardon and Indemnity, but for Favour and Employment to our present King. And no doubt but he will be well served by them, as well as he was the last Year.

I cannot let this pass without some further *Reflection.* It is not at all besides the Design of my Writing, and no great Digression from that particular matter I am now upon. Our other Vindicator tells us, that *His Majesty came a Stranger to* England, *and but darkly informed of the true* Arcana *of the last two Reigns, and of the* Practices *and* Principles *of particular Men; it being so much* their interest *to vail them from his View: Whence it is to be suppos'd, that at his coming to the Government, the Representation made him of* Persons *and* Things, *could not but receive a* Tincture *of the many different* Principles *and* Interests *of those who made them. Considering which, it's no wonder that in such a* Maze of Business *and* Mist *of various Representations, his Majesty's Bounty might happen to to be misplac'd in some one or other,* page 29. I know not any thing more truly and reasonably said by that Writer. It was indeed a great Disadvantage his Majesty was under, being unacquainted with the Principles and Interests of Persons. And as that was just Cause both of Caution in the Choice, and of Excuse of him from any ill Choice upon the recommendation of others; so doth it aggravate the Fault of such recommendations, and recommend the Service of such as detect them. I shall therefore, for the more compleat Detection of some ill Men, to what I have before observed, add this for Confirmation.

1. That the *Persons* concerned in these Vindications are Men of *dangerous Principles in respect of the present Government.*

ment. For if those Crimes be not punishable by Law, then are all they, who invited the Prince of *Orange* to come in with an Army, and all that associated with him, Traytors; and he himself an Invader and Usurper.

2. They are Men of *Arbitrary Principles*, and so dangerous to the Nation, and the true ancient Constitution of this Government. For if these Crimes be not punishable by Law, our English Monarchy is gone, and we are already fallen into a French or Turkish Tyranny.

3. They are *dangerous* Persons to be employed or trusted *in respect of their Genius*, Men of smooth voluble Tongues, and of Confidence to impose any thing. Of which I could add divers Instances to those I have noted before: But I will add only this, because it may serve also for another purpose: He tells us, *If the thirteen Heads, &c. had been reduced into a Law — one third at least of the Nation had been involved, also with their disoblig'd Relations and Dependents, is not so contemptible a Flock*, &c. Now if every one of this third part had but one Relative or Dependent, they would make two thirds; if two, they would make the compleat number of the Nation; but if many of them have 10, 20, 100, as many certainly have, they would far exceed the number of the People of this Nation. This I the rather mention, because I doubt not but they do greatly *impose* upon some Persons, *with this Pretence of their Number*, which is false; and would be much less than it is, if they had not somewhere met with more Encouragement, than they expected.

4. They are of *the very same kind and Genius with those Forty-One Men* I mentioned before, who by their Flatteries to raise themselves, imposed upon King *Charles* I. and so occasioned that Bloody War: And again in the beginning of the Reign of King *Charles* II. to cover the Illegal Actions of themselves or their Friends, imposed upon the whole Parliament, being then in a Transport, those Declarations and Clauses in some Acts, which are the occasions of the Mistakes and Dissatisfaction of divers honest well-meaning Men now, and

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of such Dissensions as very much discompose and interrupt our compleat settlement.

These being so dangerous Persons both to the King and Kingdom, and having many (though not so many as is pretended) of their Party and Principles in Council but be necessary that not only the King be cautious not to employ or entrust them in any great matters, but that some good Provision be made also by Parliament to secure both against them. And what less can that be, than an Act of Parliament, that the present King and Queen are rightful and lawful King and Queen, and to disable all Persons from sitting in Parliament, or to hold any Place or Office of Authority or Trust, who do not believe the same, and upon Oath declare such their Belief and Recognition accordingly.

And now for *Punishment*, in all Punishments two things are to be considered. The Proportion in respect of the Crime, and the Consequence. And as to the *Crime*, it may be fit to be considered in our Case, Whether besides the Thirteen Heads of Crimes *committed in the last Rebellion*, expressed in the Votes, there have not been some of like nature already committed in this, for which some Persons may justly be excepted out of such Bill of Indemnity? viz. such as these.

The publishing of such Libels, as by denying the Justice of punishing the Crimes aforesaid, do manifestly undermine the very Grounds of our present Settlement, and the true Constitution of the English Government.

The reviling the present King for such things, as being done by the former Kings contrary to Law, seems to justifie their illegal Actions, prejudice his own Cause, and tend to the disturbance of the Government again. And it may be some other.

As to the *Punishment*, Proportion and good Consequence are to be regarded. And therefore

1. When the *Punishment* is less in Proportion than the Crime, and the *Consequence of Necessity or great Importance* for

for a future Security, or other publick Good, it is not Mercy, but Injustice and Imprudence to forbear it, and a greater kindness to Criminals than to the Innocent.

Such is the Excluding and disabling such Persons from Trusts and Employments, in by former Violations and Misdemeanors have shewed themselves unfit to be further trusted.

This hath indeed something Penal in it, but so little, that it is not properly a Punishment, but a necessary provident Provision. This is the Case of the late King (of which more in the Apology for Mr. [illegible]) and of his Counsellors and Agents. They who betray'd their Country and himself too by Evil Counsel or Compliance, ought not presently to be admitted to Employments and Offices of Trust, or to sit in Parliament. Neither ought they to be returned, for they are not in truth *boni & legales homines*. I speak not of all his Counsellors, *&c.* without distinction, as the mercenary Writer falsly suggests; but Evil Counsellors, *&c.* who betrayed him as well as their Country.

It will be a Blot and Mark of Ignominy upon this Generation to all Posterity, to suffer those persons to sit as Judges, where those Crimes are to be considered, whereof they themselves are notoriously guilty. And upon this occasion I must say farther, That it is a Dishonourable and an unreasonable thing, to suffer persons who have rashly (to say no more) foul'd their Hands in Innocent Blood, to sit in that Assembly; to suffer their Counsels, which should be Sacred, to be profaned by such Company. Dishonourable and unreasonable are too soft Words for that; but I may very well use them concerning the permitting of Minors, who are disabled by Law to dispose of their own Estates, to sit there. The Honour and Dignity of Parliaments ought to be preserved? And therefore also, they who did presume to Elect the same person to serve in this, who was expelled the House the last Parliament, for their Affront to the House, ought to be corrected,

rested, at least by turning out their Members again, and allowing them no new Writs. For they deserve not to have a Representative in such an Assembly, which they would presume so factiously to affront; nor he to have a place there, who had so little regard to the Honour of it, and so little consideration of what did become those who chose him. I write not this out of any Ill-Will to any person, but out of great Good-Will for the Honour and Service of my King and Country. In such as are obnoxious, certainly Modesty, to abstain and retire for some time, would be the greatest Prudence. But such as will impudently thrust themselves in, ought deservedly to be thrust out. The Honour of a Government ought not to be prostituted for the sake of particular persons, be their Quality what it will. Nor are they Men of Vertue or Worth, who would serve themselves at that rate. The Kingdom wants not Men of unspotted and untainted Honesty and Fidelity to be employed; But usually the worst are most forward.

Secondly, When the Punishment bears a just proportion to the Crimes, it ought generally speaking, to be inflicted for the Maintenance of Justice, and Restraint of Evil. But there may be special Reasons in respect of the Consequence, either to inflict the Punishment, or pardon the Offenders.

Amongst the Thirteen Heads of Crimes, there are two at least, which I take to be *Treason*, and ought to be adjudged so by Parliament, *viz.* The first concerning the Dispensing Power, and the third concerning the Commission for Ecclesiastical Causes. I know there is another Punishment of this last by the Statute of 17 *Car.* I. *ch.* 11. But in this Case the manifest Intention and Design of the King and the Conspirators by those means to subvert the Government and the Laws, make them both Treason.

These Crimes are of so high a Nature, and the King himself having already suffer'd for the same Cause, both Justice and Prudence require, that all the Criminals, by whose Unfaithfulness and Compliance the King was encouraged to those Evil

Evil Courses, be brought to Tryal, and have Sentence. Not only Justice, but Prudence doth require this, to assert a just and honest Cause, and to terrifie such as should dare to be concerned in such base and wicked Courses hereafter. But above all, the Judges and Bishops, who betray'd also their own Professions, ought to be made Examples. What special Reasons there may be to mitigate any part of the Punishment in any of them, they being not many, belongs to the Parliament to consider. But in general, they ought to be good and weighty.

On the other side, when the *Offenders* are many, and the *Crime and Punishment Capital*, it is usual and reasonable to punish only the Principals and most notorious, and to pardon all the rest, as in cases of Rebellion and Insurrections; because of the Evil Consequence of taking away the Lives of so many Persons, whereof perhaps many were misled by the Principal of them, and might prove good Men afterward. In such cases they are all to be looked upon as one Body, and the taking off the Heads and Principals of them, is a kind of a capital Punishment of that Body of Men.

But when the Crime and Punishment are of a lower Nature, as *Misdemeanors*, (which being very various, the Punishment is more discretionary, as Fine, or Fine and Imprisonment both, according to the nature of the Crime) it is not so, nor is there any reason it should: For a Pecuniary Punishment may be inflicted on many without any Inconvenience. And in the prelent Cases it may be proportioned according to the Rates affessed upon the Criminals in some of the late Taxes; and some Disabilities might very properly be made part of the Punishment. But in these discretionary Punishments, divers things are to be taken into consideration. And one or two I will mention on the side of Mercy: 1. The Example of our Heavenly Father now, in our own case, who hath shewed Mercy, and sent so great a Deliverance, notwithstanding the sinful and wicked state of the Nation. 2. The Papists and the wicked Examples of those late Popish Kings,

Kings, have been the principal Corrupters of the Manners of the Nations; and therefore if they who have been miſlead by them, ſuffer not ſo deep, as otherwiſe they ought, it is but reaſonable.

So much for *Puniſhment of Criminals*, and now for *Preferment*. The Vindicators think it *an Invaſion upon the Kings own Liberty, to deny him the uſe of ſuch Perſons, as through the Temptations and Snares of a Court* were guilty of Compliance *in things blamable*, &c. *if their great Parts and Acquaintance with Affairs of State make them neceſſary.* I have known ſome perſons cry'd up for notable, cunning and ſhrew'd Men, whom when I have hapned to underſtand more neerly, I have found to be Men of Craft indeed, but ſuch as did conſiſt; not ſo much in greater Knowledge of Buſineſs than other Men had, as in the uſe of a greater Latitude in Acting than ſome other Men would uſe. And ſuch Perſons may be ſo far from being neceſſary to a Prince, that they may be dangerous. As I remember one of thoſe cunning Men I mention'd, being apply'd to by three Perſons then of good Credit, for his Advice in a Cauſe, eaſie to have been relieved in Chancery, as it was afterwards, by his Cunning involv'd them all, and ſome others for Witneſſes, in a notorious Forgery, Subornation and Perjury. Parts without Fidelity, which is inconſiſtent with Compliance in Blamable things, ought not to recommend any Man to a Prince's Service. This I ſay to ſhew the Inſufficiency of his Argument in that part. Nor am I ſo rigorous, as not to agree with him in the former, as he ſtates the Caſe; only the perſon ought to be very neceſſary, and the Prince to be very cautious how far he relies upon him. Nay, I will go further with him, and ſuppoſe the Perſon ſtand accuſed, or even impeach'd in Parliament, I would not deny him the uſe of ſuch a perſon, in due time, that is, when he hath been try'd, and either cleared and acquitted, or for ſome ſpecial good cauſe legally pardon'd. Otherwiſe that, which thoſe perſons ſay is an *Invaſion* upon the Kings Liberty, to deny him, is an affront

to the *Government*, tends to the Subversion of the *Constitution*, and to the disparagement of the present Cause both of the King and Kingdom, makes it look like a matter of Trick and Violence, and not as I take it to be, of clear and necessary Justice. The Protection and Employment of Criminals being one of the great Grievances of former Reigns, and as pernicious to the Kings as to the People. And if this be the Case of any person now employed, he cannot be a good Man, or worthy of any Favour at all, if he would, desire his own Security at the rate of so great an Inconvenience both to the King, and to the Government, and especially under our present Circumstances; and not rather willingly retire for some time, and if innocent, modestly put himself upon a fair Tryal; or if Guilty of any thing considerable, humbly submit and beg Pardon. And this is the truest Wisdom in such case: For they who obstinately stand out in such cases, do usually bring mischief to themselves or the King; and the more highly they carry it out among Men, the more they provoke the Judgments of God upon themselves, of Excision, or in some remarkable manner, according to the Nature of the Crime. All Courts and Judicatures ought to maintain their Authority, and so much the more, when notoriously violated, or when there are any attempts to evade or oppose it. And especially at this time when we are either doing Justice and Equity against the late King himself, or plainly playing Tricks with him, and exposing the Iniquity of our own Hearts.

There is but one thing more, which I think worth my taking notice of in this Pamphlet, (for Trifles I have passed over good store all along) and that is what he saith, *pag.* 32. that *The Calling, or Dissolving of Parliaments is ordinarily one of the most mysterious Problems of State, and one of the truest Touchstones of Skill in the Art of Government.* To Men of ill Designs, or who understand not the true Constitution of this Government, it may be so indeed: But to honest and understanding Men, nothing is more easie. It was the Law

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of this Nation before *Magna Charta*, or any Statute now in Force was made, and it is ſtill the Law, That Parliaments be held once a year, or oftner if need be. And I will tell this Gentleman in the Words of King *James* I. that which will effectually explain this Myſtery, and ſolve the Problem. *A King* (ſays he) *governing in a ſetled Kingdom, leaves to be a King, and degenerates into a* Tyrant, *as ſoon as he leaves off to rule according to his Laws.* And a little after, *Therefore all Kings, that are not* Tyrants, *or* Perjured, *will be glad to bound themſelves within the Limits of their Laws: And they who perſwade them the contrary, are* Vipers *and* Peſts, *both againſt them and the Commonwealth.* Speech 21. *March*, 1609. This moſt ancient Inſtitution, is not more ancient than wiſe, uſeful and neceſſary, and of a juſt proportion to the other parts of the Conſtitution. The Commons in the Counties are repreſented by the Grand Jury, who are to enquire and preſent what is amiſs there; and the Lords, by the Free-holders, who are the Judges. And as the Counties have their Court once in a Month, the Kingdom their Courts of Common Law for private and ordinary matters, four times in the year, that is in effect, once in a Quarter; ſo the whole State had, and ſtill ought to have their Seſſion for Publick and Extraordinary matters concerning the whole Kingdom, once in the year. The great buſineſs of this is to enquire into, and inſpect the Actions of the Great Officers, Privy Counſellors and Judges, *&c.* and of the King himſelf, if he do any thing contrary to Law, and the common Intereſt of the Nation; to interpret their own Laws, where there is occaſion, and reſolve other Difficulties; to receive and hear Petitions, redreſs Grievances, and give Relief, *&c.* And this is an Inſtitution as much for the Honour, Safety and Eaſe of the Prince, as for the Security and Commodity of the People. For if the Prince act as he ought to do, by Advice of Privy Council, and of ſuch perſons as in their ſeveral Places are by Law to adviſe him: The Parliament, being to convene within the year, muſt needs be ſuch a Check to them, that they will rarely

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dare to propose any thing mischievous or illegal; and more rarely be able to bring it to effect; and whatever it be, the King is secure, and the Counsellor or Officer to answer for it. Now an Institution of so great Antiquity, so agreeable to the other parts of our Constitution, of so great Importance in the Government, secured by two several Acts of Parliament in the Reign of that wise and magnanimous Prince *Edw.* 3. still in force, besides others, ought not certainly to be eluded with vain Pretences of Reason of State, and abused, as it hath been, by the whole last Race of our Kings, to their own hurt, and to the great disturbance, and almost Dissolution of a most Noble Constitution, to gratifie ill Men, by long Intermissions, abrupt Prorogations and Dissolutions, and by long Continuances for no other reason but to corrupt the Members to betray their Trust. As by Law they ought to be assembled once a year; so ought they also by Law to sit effectually till all Grievances be redressed, and business dispatch'd before their Departure, *v. 4. Inst. p. 11.* For if our *Kings* by their *Oath*, be obliged to Govern according to Law, they are certainly obliged to it in this particular, it being the chief part of the Government. *Parliamentum departiri non debet dum modo aliqua Petitio pendeat indiscussa, vel ad minus ad quam non sit determinatum Responsum. Et si Rex contrarium permittat perjurus est*, saith the Ancient *Modus tenendi Parliament.* of which Mr. *Selden* allows some Copies he had seen to be as ancient as *Edw.* 3. Tit. of *Hon. p.* 611. But this is not a place to insist more largely upon this matter; nor indeed doth it need it.

FINIS.

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